

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MARTIN GARCIA,

Plaintiff,

vs.

No. CV 11-648 BB/RHS

**CHILDREN, YOUTH AND FAMILIES
DEPARTMENT and CLYDE GARCIA,**

Defendants.

ORDER TO APPEAR AND TO SHOW CAUSE

THIS MATTER came before the Court on a Rule 16 Scheduling Conference set for January 23, 2012 at 10:00 a.m. (Doc. 18). This Order setting the conference required the parties to meet and confer no later than Monday, January 16, 2012. It further required the filing of a Joint Status Report on or before Wednesday, January 18, 2012.

Neither party or counsel appeared for the Rule 16 Scheduling Conference nor did they contact the Court to advise that they were unable to attend due to emergency or otherwise. The Court has no indication that counsel and the parties personally met and conferred no later than January 16, 2012. The parties failed or refused to file a Joint Status Report on or before January 18, 2012. In summary, counsel and the parties have failed to comply with the Court's Order (Doc. 18) in any manner.

IT IS THEREFORE ORDERED:

All parties together with their legal counsel SHALL PERSONALLY APPEAR on Wednesday, March 7, 2012 at 9:00 a.m. in the Hondo Courtroom, Pete V. Domenici Courthouse, 333 Lomas Boulevard NW, Albuquerque, New Mexico, 87102, and then show cause, if any they

have, why they should not be held in contempt of court with sanctions imposed including, but not limited to, financial sanctions and/or dismissal of the above-captioned cause as a result of the failure to comply with the Court's order. Ehrenhaus v. Reynolds, 965 F.2d 916, 920 (10th Cir. 1992).

Specifically, the parties shall show cause: (1) why they failed to appear for the Rule 16 Scheduling Conference on Monday, January 23, 2012 at 10:00 a.m., (2) why they failed to personally meet and confer no later than Monday, January 16, 2012, and (3) why they did not file a Joint Status Report on or before Wednesday, January 18, 2012.

Robert Hayes Scott
ROBERT HAYES SCOTT
UNITED STATES MAGISTRATE JUDGE